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10 **UNITED STATES DISTRICT COURT**

11 **DISTRICT OF NEVADA**

12 8 MICHAEL GERARD NAESENS,

9 Plaintiff,

10 vs.

11 11 LAS VEGAS METROPOLITAN POLICE
12 DEPARTMENT, ET AL.,

13 Defendants.

14 Case Number:
15 2:22-cv-01438-JAD-DJA

16 **DEFENDANT LAS VEGAS**
METROPOLITAN POLICE
DEPARTMENT'S MOTION TO
EXTEND TIME TO FILE RESPONSE
TO COMPLAINT ON ORDER
SHORTENING TIME (SECOND
REQUEST)

17 Defendant Las Vegas Metropolitan Police Department (“LVMPD”), by and through
18 its attorney of record, Marquis Aurbach, hereby move for an extension of time to file their
19 response to Plaintiff’s Complaint for Deprivation of Rights Under Color of Law, Title XVIII
U.S.C. §242 and in Violations of Civil Rights, 42 U.S.C. §1983 (Non-Prisoner Complaint)
(ECF No. 6) (“Complaint”).

20 This Motion is made and based upon FRCP 12, LR IA 6-1, LR 7-2, the
21 Memorandum of Points & Authorities, the pleadings and papers on file herein, and any oral
22 argument allowed by counsel at the time of hearing.

23 Dated this 24th day of October, 2022.

24 MARQUIS AURBACH

25 By s/Craig R. Anderson
26 Craig R. Anderson, Esq.
27 Nevada Bar No. 6882
28 10001 Park Run Drive
Las Vegas, Nevada 89145
Attorney(s) for Defendant LVMPD

MEMORANDUM OF POINTS & AUTHORITIES

I. PROCEDURAL HISTORY

On September 22, 2022, Plaintiff Michael Gerard Naessens (“Naessens”) filed a Complaint alleging malicious prosecution in violations of civil rights against LVMPD; Bradford T. McLane (CEO Naphcare, Inc.); Lawrence H. Richardson, Jr. and Amanda Leigh Hedrick. (Compl. at p.9.) Naessens served LVMPD on or around October 3, 2022. LVMPD’s answer is currently due October 24, 2022.

On October 20, 2022, Defendant LVMPD filed its first motion to extend time. (ECF No. 15.) Due to LVMPD’s counsel’s failure to attempt a meet and confer with Naessens on the issue, this court denied the motion without prejudice. (ECF No. 16.) On both October 20, 2022 and October 24, 2022, defense counsel called Naessens and left messages to discuss this issue. As of this filing, Naessens has not returned the LVMPD’s counsel’s call. Because, LVMPD’s responsive brief is due today (October 24), this Motion and its request for emergency treatment is timely.

II. LEGAL ARGUMENT

A. REQUEST FOR EXTENSION OF TIME

Pursuant to LR IA 6-1(a), “[a] motion or stipulation to extend time must state the reasons for the extension requested and must inform the court of all previous extensions of the subject deadline the court granted.” LVMPD requests an extension to November 15, 2022. This brief extension is due for the fact counsel was only recently retained to represent LVMPD. Further, the Complaint is somewhat confusing and will take some time to evaluate whether an answer and/or motion to dismiss is necessary.

This is the second motion for extension of time to file a response to the Complaint.

B. REQUEST FOR SHORTENING TIME

Pursuant to LR IA 6-1(d), “[m]otions to shorten time will be granted only upon an attorney or parties’ declaration describing the circumstances claimed to constitute good cause to justify shortening of time. The attached Declaration of Craig R. Anderson, Esq. describes the circumstances constituting good cause for the requested relief herein. Defense

1 counsel has attempted to contact plaintiff Naessens on October 20 and October 24 to discuss
2 the extension issue. Naessens has not returned defense counsel's call.

3 **III. CONCLUSION**

4 Based on the foregoing, the Court should grant the motion, extending the deadline
5 for LVMPD to respond to the Complaint to November 15, 2022.

6 Dated this 24th day of October, 2022.

7 MARQUIS AURBACH

8 By s/Craig R. Anderson

9 Craig R. Anderson, Esq.

10 Nevada Bar No. 6882

11 10001 Park Run Drive

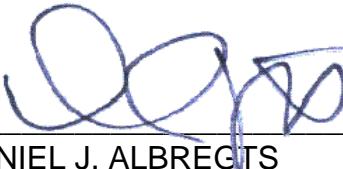
12 Las Vegas, Nevada 89145

13 Attorney(s) for Defendant LVMPD

14 **ORDER**

15 The Court finding good cause appearing therein, IT IS HEREBY
16 ORDERED that Defendant LVMPD's motion to extend time to file a
17 response to the complaint (ECF No. 17) is **GRANTED**. Defendant
18 LVMPD's response to the complaint is due **November 15, 2022**.

19 DATED: October 25, 2022

20 
21 DANIEL J. ALBREGTS
22 UNITED STATES MAGISTRATE JUDGE

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that I electronically filed the foregoing **DEFENDANT LAS**
3 **VEGAS METROPOLITAN POLICE DEPARTMENT'S MOTION TO EXTEND**
4 **TIME TO FILE RESPONSE TO COMPLAINT ON ORDER SHORTENING TIME**
5 **(SECOND REQUEST)** with the Clerk of the Court for the United States District Court by
6 using the court's CM/ECF system on the 24th day of October, 2022.

7 I further certify that all participants in the case are registered CM/ECF users
8 and that service will be accomplished by the CM/ECF system.

9 I further certify that some of the participants in the case are not registered
10 CM/ECF users. I have mailed the foregoing document by First-Class Mail, postage prepaid,
11 or have dispatched it to a third-party commercial carrier for delivery within 3 calendar days
12 to the following non-CM/ECF participants:

13 Michael Gerard Naessens
14 304 S. Jones Blvd., #457
15 Las Vegas, NV 89107
16 *Plaintiff Pro Per*

17 *s/Sherri Mong*
18 an employee of Marquis Aurbach

19 **MARQUIS AURBACH**
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DECLARATION OF CRAIG R. ANDERSON, ESQ. IN SUPPORT OF DEFENDANT

LAS VEGAS METROPOLITAN POLICE DEPARTMENT'S MOTION TO EXTEND

TIME TO FILE RESPONSE TO COMPLAINT ON ORDER SHORTENING TIME

(SECOND REQUEST)

4 I, Craig R. Anderson, Esq., do hereby declare:

5 1. I am the attorney for Defendant Las Vegas Metropolitan Police Department
6 ("LVMPD"), in the above-entitled action.

7 2. I was retained by LVMPD to represent its interest on or around October 17,
8 2022.

9 3. The Complaint in this matter is somewhat confusing and potentially could
10 involve the filing of a motion to dismiss. The Complaint is still being investigated and
11 evaluated.

12 4. There is good cause to justify shortening time because time is of the essence
13 given the deadline for LVMPD to respond to Plaintiff's Complaint is October 24, 2022.

14 5. On October 20, 2022, this court denied LVMPD's first request to extend time
15 due to the undersigned's failure to meet and confer with plaintiff.

16 6. On October 20, 2022, I called and left a message with plaintiff requesting a
17 meet and confer. I provided plaintiff with my direct line phone number. Plaintiff never
18 returned the call.

19 7. On October 24, 2022, the day LVMPD's responsive pleading is due, I called
20 plaintiff a second time in the morning. Plaintiff did not answer and still has not returned
21 either call.

22 8. This Declaration is made in support of the Motion to Extend Time to File
23 Response to Complaint on Order Shortening Time.

24 9. I declare under the penalty of perjury that the foregoing is true and correct.

25 Dated this 24th day of October, 2022.

26 *s/Craig R. Anderson*
27 Craig R. Anderson